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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,583	07/06/2001	Charles William Norman	1226a	5290

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OVERLAND PARK, KS 66251-2100

EXAMINER
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NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/899,583

Applicant(s)

NORMAN, CHARLES WILLIAM

Examiner

Steven HD Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 47-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12/06/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 47-55 and 57-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahromi et al (USP 5416768) in view of Furuta et al (USP 5600648).

Regarding claims 47-55 and 57-65, Jahromi discloses a method and system for operating a primary communication system to provide a communication service to a secondary communication system (Figs 13-14 wherein in the high speed is primary system and lower speed is secondary system), the method comprising in a first adaptor assembly (Fig 11c, Ref STM-4 for receiving STM-4 being a primary signal), receiving a primary communication signal from the

Art Unit: 2616

primary communication network, wherein the primary communication signal has primary overhead and a primary payload; in the first adaptor assembly, receiving a secondary communication signal from first equipment in the secondary communication network, wherein the secondary communication signal has secondary overhead and a secondary payload (Fig 11c, Ref STM-1); in the first adaptor assembly, locating unused space in the primary overhead such as overhead of Sonet and SDH, inserting the secondary overhead such as overhead of Sonet and SDH into the unused space in the primary overhead to form transport overhead, combining the primary payload and the secondary payload to form a transport payload, and combining the transport overhead and the transport payload to form a transport communication signal (Fig 11c, the STM-1 is inserted into one of unused space of STM-4; "STM-1 is inserted into STM-4 etc. by using add/drop unit, See col. 5, lines 32 to col. 6, lines 29 and Fig 14"); transferring the transport communication signal from the first adaptor assembly to a second adaptor assembly (Fig 14, the STM-4 is transmitted to another ADX 4/1); in the second adaptor assembly, removing the secondary overhead and the secondary payload from the transport communication signal and combining the secondary overhead and the secondary payload to form the secondary communication signal; and transferring the secondary communication signal from the second adaptor assembly to second equipment in the secondary communication network (Fig 11c, STM-1 is extracted from STM-4 and transmitting STM-1 into the secondary network, Fig 14 which includes a primary ring "STM-4 ring network" and secondary ring "Local loop area STM-1" which includes two adapters for disassembly and/or reassembly the primary and secondary signals wherein the STM-1 is inserted into an unused space of STM-4). However, Jahromi fails to fully disclose a method and system for inserting STM-1 into STM-4 and

Art Unit: 2616

extracting the STM-1 from STM-4 for transmitting onto the secondary network. In the same field of endeavor, Furuta discloses a method and system for inserting STM-1 into STM-4 and extracting the STM-1 from STM-4 for transmitting onto the secondary network (Fig 12 discloses how to insert or extract stm-1 into/from stm-4, Fig 19 discloses an add drop device for inserting and extracting STM-1 into/from STM-4).

Since, add/drop device for sonnet or SDH is well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teaching of Furuka such as a method and system for inserting and extracting STM-1 into/from STM-4 into the teaching of Jahromi. The suggestion/motivation would have been to decrease the cost of the communication system and have a path continuity from a node on one ring to a node on another ring to be maintained, thereby facilitating reliable end to end path monitor.

4. Claims 56 and 66 rejected under 35 U.S.C. 103(a) as being unpatentable over Jahromi and Furuta as applied to claims 47 and 57 above, and further in view of Shimada (USP 5434858).

Jahromi and Furuta fail to disclose overhead includes OAM information. In the same field of endeavor, Shimada discloses an overhead used to convey OAM information (See 1, Ref 2, 7 and 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for using overhead to convey OAM information between the sender and receiver as disclosed by Shimada into the teaching of

Art Unit: 2616

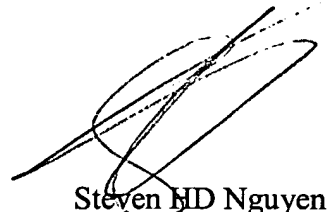
Jahromi and Furuta. The motivation would have been to maintain a path continuity from a node on one ring to a node on another ring, thereby facilitating reliable end to end path monitor.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven HD Nguyen  
Primary Examiner  
Art Unit 2616